



Clay County Board Minutes



COUNTY BOARD OF SUPERVISORS

Courthouse, Clay Center, Nebraska, March 12, 2013 at 9:00 A.M.

The Clay County Board of Supervisors met March 12, 2013 as per public notice given in the Clay County News on March 6, 2013 a copy of the proof of publication being on file in the County Clerk's Office. Availability of the agenda was communicated in the advance notice of the meeting. Chairman Fintel presided with roll call showing the following present: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Minutes of the meeting held February 26, 2013 were mailed to the board members. All of the proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman, Ivan Fintel stated that the open meeting law poster is posted on the west wall in the back of the room.

Motion by Schmidt and seconded by Shaw to approve the minutes of the meeting held February 26, 2013 as mailed. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

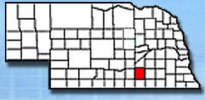
Paul Grieger, D.A. Davidson & Co. presented a proposed payment schedule and discussed how this would affect the budget for the next two fiscal years. As soon as the Highway Supt. hears back from the Engineer and the Contractor, the bonding company will be contacted with a work schedule and a final amount of money that will be needed.

Motion by Shaw and seconded by Anderson to adopt Resolution #13-03 authorizing the issuance of Highway Allocation Fund Pledge Bonds, Series 2013, an amount not to exceed \$7,000,000.00 and related matters. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried. (Resolution on file in Clerk's office)

Thomas Roemmich II, Highway Superintendent, reported that he had no new information on the scraper or truck. He also reported on snow removal. The asphalt agreements were not available for signing. The gravel contracts have been returned and are ready for the board to sign. Five easements were presented and discussed. All of the road business was conducted at this time so the later time scheduled is not necessary.

Motion by Johnson and seconded by Nuss to authorize the Chairman to sign the Contract Agreements between Mid-Nebraska Aggregate Inc. and Clay County; and also Deweese Sand & Gravel Inc. and Clay County. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

Motion by Johnson and seconded by Anderson to approve the easement requested by Tom Barclay for an electric line across Road 309 from the NE ¼ Sec. 26-T6N-R8W to SE ¼ Sec. 23-T6N-R8W for underground power to a well — agricultural use only. On roll call, yea: Johnson, Shaw, Nuss, Samuelson, Anderson, Schmidt and Fintel. Motion carried.



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Motion by Nuss and seconded by Anderson to approve the easement for Great Plains Communications for a fiber optic cable along the south side of Sec. 36-T8N-R5W. On roll call, yea: Shaw, Nuss, Samuelson, Anderson, Schmidt, Johnson and Fintel. Motion carried.

Motion by Samuelson and seconded by Schmidt to approve the easement requested by David Novak for an electric line across Road 321 from the SE ¼ Sec. 19-T8N-R7W to NE ¼ Sec. 30-T8N-R7W to provide electricity to an irrigation well — agricultural use only. On roll call, yea: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Motion by Samuelson and seconded by Nuss to approve the easement requested by David Novak for an electric line across Road P from the SW ¼ Sec. 4-T8N-R6W to SE ¼ Sec. 5-T8N-R6W to provide electricity to a center pivot — agricultural use only. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

Motion by Shaw and seconded by Johnson to approve the easement requested by David Woods for a natural gas line across Road 308 from the NW ¼ Sec. 34-T6N-R6W to SW ¼ Sec. 27-T6N-R6W to provide natural gas to irrigation wells — agricultural use only. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried.

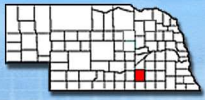
Motion by Shaw and seconded by Nuss to open the public hearing for Amendments to the Clay County Zoning regulations at 9:32 A.M. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried. Barb Barnett, Zoning Administrator, was also present. The proposed amendments had been given to the board prior to the meeting. There were no oral or written comments, concerns or opposition presented at this time.

Motion by Anderson and seconded by Schmidt to close the public hearing at 9:40 A.M. On roll call, yea: Johnson, Shaw, Nuss, Samuelson, Anderson, Schmidt and Fintel. Motion carried.

Motion by Nuss and seconded by Johnson to adopt Resolution #13-04: Resolution of Amendment to Clay County Zoning Regulations in the Ag Dist. as recommended by the Joint Planning Commission. On roll call, yea: Shaw, Nuss, Samuelson, Anderson, Schmidt, Johnson and Fintel. Motion carried. (Resolution on file in County Clerk's office.)

Tom Barclay a Lincoln resident who has purchased land in Clay County spoke to the board about the 5 Acre minimum required for new parcels. Barb Barnett, Zoning Administrator and Mike Davis, landowner abutting the Barclay land were also present. Mr. Barclay and Mr. Davis were advised that this concern is a zoning issue and that they would need to see the Zoning Administrator for the procedure to apply for a variance.

Jeff Franklin, County Sheriff told the board that he had started the bid process for a new police car when one had suddenly come available for \$2,000.00 less. Jeff told the board



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that he had already ordered the car but would like their blessing. Jeff said he could save an additional \$2,000.00 to \$3,000.00 by doing most of the wiring himself.

Motion by Johnson and seconded by Samuelson to accept the state bid for a 2013 Chevrolet Impala Police car from Friesen for \$21,725.00. On roll call, yea: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Bruce Rumsey, Weed Superintendent presented the informal bids for the specialty spray equipment. Bruce reported that there are lots of variations in tanks, pumps and controls so that it is hard to make a comparison. The board asked what features he needed and what company could meet those needs. Bruce will order the equipment customized for the county's needs. He also discussed flat beds with the board.

Motion by Johnson and seconded by Schmidt to go with Kelly Supply Company for spray equipment for the Weed Department. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

Motion by Anderson and seconded by Nuss to purchase a Bradford flat bed for the Weed Department. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried.

The CD for the money from the sale of county buildings has matured. Motion by Samuelson and seconded by Shaw to direct the County Treasurer to transfer CD # 62460 in the amount of \$81,583.60 into the Misc. Sinking Fund when it matures on March 16, 2013. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

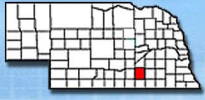
A letter of support for LB451 relating to firearms; to prohibit federal restrictions on firearms, magazines, and firearms accessories was signed by the board. The letter will be mailed to Senator Charlie Janssen.

Lorraine Hofmann has requested the gear ratio on a well be changed. This would make the well more economical to run.

Motion by Samuelson and seconded by Anderson to allow Lorraine Hofmann to change the gear ratio on the well of the county farm in Marshall Township (E ½ 5-6-6). On roll call, yea: Johnson, Shaw, Nuss, Samuelson, Anderson, Schmidt and Fintel. Motion carried.

Janis Johnson, Director of the Clay County Health Department had sent an email stating an AED at the courthouse needs a new battery. She has researched prices and found the least expensive to be \$345.00. Janis is asking if she can go ahead with the purchase. Consensus of the board is to purchase the AED and submit a claim for payment.

Ted Griess, County Attorney discussed the agreement with Verizon. Loren Uden, Emergency Management Coordinator was also present. He told the board it seems to match what he was told should be in it but thought the Emergency Manager would know better if it matched what was needed. Ted also questioned the timing of needing the



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document signed as the permits from zoning had not yet been obtained. Loren explained that Verizon wanted an idea if the agreement was acceptable before going to the time and expense of getting zoning permits and engineering studies. The board asked Loren to report to Verizon that the document had been looked at and approved of in principal. Once the zoning permits have been received, the board will proceed with the agreement.

The trailers or pods that were on the ground for the Ethanol Plant that did not materialize were discussed. The Treasurer had spoken with the County Attorney about these and has asked that the personal taxes be stricken and the real estate taxes be discharged if he determined that they were uncollectable. Ted told the board that he is not ready to say that the taxes are uncollectable at this time.

Janis Johnson, Director of the Clay County Health Department called and said that Laurie Smith from Sutton had been offered and accepted the position of director. Janis said Laurie will start April 1st and Janis will stay for the first two weeks of April for orientation. The board discussed the time needed for orientation as well as the wages for that time.

Motion by Anderson and seconded by Shaw to appoint Laurie Smith as Director of the Clay County Health Department beginning April 1, 2013. On roll call, yea: Shaw, Nuss, Samuelson, Anderson, Schmidt, Johnson and Fintel. Motion carried.

The fee reports were circulated for review. Motion by Anderson and seconded by Samuelson to accept the fee reports for the following county officials for the month of February 2013: County Clerk, \$3,547.35, County Court \$9,808.03, Clerk of District Court, \$6,985.60, County Sheriff for the month of January 2013 \$15,536.47 and County Treasurer receipts #13020001 thru #13020068 in the amount of \$395,647.75. On roll call, yea: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Motion by Anderson and seconded by Samuelson to adjourn this meeting at 12:12 P.M.; next meeting scheduled for March 19, 2013. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

Deb Karnatz, County Clerk

Ivan Fintel, Chairman